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Senate Bill _____
By _____

House No. HB0985
By DeBerry

AN ACT to amend Tennessee Code Annotated, Section 8-14-205; Title 8, Chapter 21; Section 36-3-604; Section 40-24-101; Section 40-3-206; Section 40-11-204 and Section 40-14-202, relative to the fees and commissions of clerks of court in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-401 (a), is amended in subdivision (7) by adding the following new item (U):

(U) Such clerks of the various courts in counties having a population of more than seven hundred thousand (700,000), according the 1990 federal census or any subsequent federal census are authorized to demand and receive for their services, where appropriate the following fees for services indicated:

- (i) conditional forfeiture fee when bench warrant is issued..... \$2.00
- (ii) final forfeiture order fee..... \$2.00
- (iii) conditional forfeiture order set aside fee..... \$2.00
- (iv) recall of bench warrant fee..... \$2.00

(v) final forfeiture set aside fee..... \$2.00

SECTION 2. Tennessee Code Annotated, Section 8-21-401(a), is amended in subdivision (6)(A)(i) by adding after the word “dollar” the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission shall be ten percent (10%)

Tennessee Code Annotated, Section 8-21-401(a), is further amended in subdivision (6)(A)(v) by adding after the word “dollar” the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission shall be ten percent (10%)

Tennessee Code Annotated, Section 8-21-401(a), is further amended in subdivision (6)(B) by adding after the words “discretion of the court” the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, a commission not to exceed ten percent (10%) on such amount of sales up to six thousand dollars (\$6,000), and an additional amount to be fixed within such limits in the discretion of the court

Tennessee Code Annotated, Section 8-21-401(a), is further amended in subdivision (6)(E) by adding after the word “dollar” the following words:

; provided, however that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission shall be ten percent (10%)

SECTION 3. Tennessee Code Annotated, Section 8-21-401(a), is further amended in subdivision (7)(T) by adding after the words and figures “dollars (\$15.00)” the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such amount shall be ten percent (10%) of the total, not to exceed fifteen dollars (\$15.00)

SECTION 4. Tennessee Code Annotated, Section 8-21-401(b), is further amended in subdivision (45) by adding after the words “discretion of the court” the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, a commission not to exceed ten percent (10%) on such amount of sales up to six thousand dollars (\$6,000), and an additional amount to be fixed within such limits in the discretion of the court

SECTION 5. Tennessee Code Annotated, Section 8-21-403(a), is amended by adding to the end of the first sentence the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such sum shall be ten percent (10%) for any such payments

SECTION 6. Tennessee Code Annotated, Section 8-14-205(d), is amended in subdivision (2) by adding in the last sentence after the words “order of the court” the following words:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such commission shall be ten percent (10%)

SECTION 7. Tennessee Code Annotated, Section 36-3-604, is amended by adding the following new subsection (c):

(c) In counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the fees authorized for the clerk in subsection (b) shall be ten percent (10%).

SECTION 8. Tennessee Code Annotated, Section 40-11-204, is amended by adding the following new sentence:

In counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the clerk's commission authorized by this section shall be ten percent (10%) of such forfeiture or one thousand dollars (\$1,000), whichever is less.

SECTION 9. Tennessee Code Annotated, Section 40-14-202 (f) is amended in the last sentence by adding the following new language:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such commission shall be ten percent (10%).

SECTION 10. Tennessee Code Annotated, Section 40-3-206, is amended in the second sentence by adding the following new language:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such fee shall not exceed ten percent (10%) of such amount

SECTION 11. Tennessee Code Annotated, Section 40-24-101(b), is amended by adding the following new language at the end of the first sentence:

; provided, however, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, such fee shall not exceed ten percent (10%) of such amount, not to exceed fifteen dollars (\$15.00)

SECTION 12. Tennessee Code Annotated, Title 8, Chapter 21, Part 4, is amended by adding the following new section:

In addition to fees allowable pursuant to Section 10-7-506, in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the clerks of the court as listed in Section 8-21-401 may charge a fee not to exceed five dollars (\$5.00) for computer searches for any public record having a commercial value.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

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